

WRITER'S DIRECT DIAL NO.
(212) 849-7140

WRITER'S INTERNET ADDRESS
marcgreenwald@quinnemanuel.com

August 18, 2017

VIA EMAIL AND ECF

Honorable Paul A. Crotty
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Weston Cap. Advisors, Inc. v. PT Bank Mutiara TBK*, No. 13-cv-6945

Dear Judge Crotty:

We represent Bank Mutiara and write respectfully to request a pre-motion conference regarding Bank Mutiara anticipated filing of a motion to compel Charles B. Manuel, purported counsel to the Contemnors, (a) to turn over certain papers and records to Bank Mutiara, and (b) to personally pay Bank Mutiara's costs in making this motion.

On February 13, 2017, this Court entered an order holding, among other things, that unless the Contemnors identified in this Court's September 9, 2015 order (Dkt. 147) repaid Bank Mutiara the money the Contemnors owed by April 17, 2017, this Court would revest the Equity Interests in the corporate Contemnors in Bank Mutiara. Dkt. 195. The Contemnors sought a stay of the applicable orders in this Court, which was denied on March 27, 2017. Dkt. 206. The Contemnors failed to comply, and on April 17, 2017, the Court revested the Equity Interests in Bank Mutiara. Dkt. 208. The Contemnors appealed, but did not expedite that appeal, and while they did eventually seek a stay in the Second Circuit, that Court refused to grant a stay on August 8. Dkt. 210.

On August 7, 2017, in anticipation of the Second Circuit's denial of the Contemnors' motion to stay, we wrote Mr. Manuel seeking "all current or former WCAI books and records." Mr. Manuel was obligated as an officer of the Court and an attorney who purportedly represented WCAI to comply with this request pursuant to this Court's orders. Although Mr. Manuel represented that he would respond by August 16, he has failed to do so. Mr. Manuel has not articulated any reason why turning over these records would in any way interfere with the Contemnors' pending appeal.

Bank Mutiara is accustomed to non-compliance from Mr. Liegey and his web of entities. But not from their counsel. Because the Contemnors still have not paid the award of attorneys' fees ordered by this Court eighteen months ago (or returned the original missing funds or paid the hundreds of millions of dollars in fines imposed by this Court), seeking more fees from the Contemnors would be futile. But counsel can be sanctioned for non-compliance. Bank Mutiara hopes this letter alone or the prospect of a hearing on the relief requested will suffice to bring Mr. Manuel into compliance, or to force him to articulate how he can refuse to turn over this material. Alternately, should Mr. Manuel fail to comply or explain the impossibility of compliance, Bank Mutiara submits that he should be sanctioned for his intransigence by compensating Bank Mutiara for its attorneys' fees in bringing this motion.

Respectfully submitted,

/s/ Marc L. Greenwald

Marc L. Greenwald

cc: Charles B. Manuel, Jr., Esq.; Duncan Levin, Esq. (counsel for Plaintiffs)